

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

RICKY DALE SORRELLS

NO. 3:18-CR-169-N

**GOVERNMENT’S UNOPPOSED MOTION
FOR PRELIMINARY ORDER OF FORFEITURE**

The United States of America (“the government”) requests entry of a preliminary order of forfeiture, and in support, states:

I. BACKGROUND

1. Count One of the information charged the defendant Ricky Dale Sorrells with violations of 18 U.S.C. § 1349 and notified the defendant that upon conviction, the government will seek to forfeit the following:

- a. \$8,633.51 in United States currency seized from the account ending in x5221 on March 6, 2017;
- b. \$3,659.01 in United States currency seized from the account ending in x1665 on March 5, 2017;
- c. 2014 Maserati GHI, Vehicle Identification Number ZAM57RTAOE1112238, titled to Ricky Dale Sorrells;
- d. 2012 Porsche Cayenne, Vehicle Identification Number WP1AA2A23CLA0189, titled to Ricky Dale Sorrells;

- e. Assorted jewelry purchased from Windsor Auction House, Inc. on or about April 5, 2013 in the amount of \$49,662.93; and
- f. Custom-made 14K gold bracelet set with 51 princess cut diamonds weighing 10.53 carats with a grade of H/SI1 purchased for \$16,400 on May 21, 2015.

(“the property”). *See* Information doc 1).

2. Ricky Dale Sorrells pled guilty to Count One and described in a factual resume how the property was involved in the offense. *See* Plea Agreement and Factual Resume (docs. 3 and 5).

II. AUTHORITIES

3. The court’s jurisdiction is based on 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure.

4. Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) any person convicted of violations of 18 U.S.C. § 1349 shall forfeit any property constituting, or derived from, or traceable to, proceeds the defendant obtained directly or indirectly, as the result of the offense.

III. ARGUMENT

5. Based upon Ricky Dale Sorrells guilty plea and factual resume, the government has established the requisite nexus between the property and the violations charged in the information. Accordingly, the property is subject to forfeiture to the government.

6. In accordance with Fed. R. Crim. P. 32.2(b), if there is a finding property is subject to forfeiture, a preliminary order of forfeiture directing the forfeiture of that property shall be promptly entered without regard to any third party's interest in all or part of the forfeited property. A third party's interest is adjudicated in the ancillary proceeding under Rule 32.2(c).

7. Upon entry of the preliminary order of forfeiture, pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b)(3), the Attorney General will post notice of the forfeiture on an official government website (www.forfeiture.gov) for at least 30 consecutive days which describes the property with reasonable particularity; states the time under 21 U.S.C. § 853(n) when a petition contesting the forfeiture must be filed [no later than 60 days after the first day of publication on an official internet government forfeiture site]; and provides contact information for the government attorney to be served with the petition to the Asset Recovery Unit, U.S. Attorney's Office, Northern District of Texas, 1100 Commerce Street, Third Floor, Dallas, Texas 75242. This notice shall also state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; shall be signed by the petitioner under penalty of perjury; and shall set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

8. The government shall send, by means reasonably calculated to reach the person, direct written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture of the property in ancillary proceedings.

IV. RELIEF

9. Therefore, the government asks the court to enter a preliminary order forfeiting the property to the government and ordering the United States Marshal's Service to seize and maintain custody of the property and dispose of it in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n).

Respectfully submitted,

ERIN NEALY COX
United States Attorney

/s/ Dimitri N. Rocha
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CERTIFICATE OF CONFERENCE

I certify that the defendant and the attorney for the defendant have previously agreed to forfeiture of the property as requested.

/s/ Dimitri N. Rocha
DIMITRI N. ROCHA
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on April 26, 2018, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic filing” to counsel for defendant, who has consented in writing to accept this Notice as service of this document by electronic means.

/s/ Dimitri N. Rocha

DIMITRI N. ROCHA

Assistant United States Attorney